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231 382.

An Act discharging Seth Smith from an Indictment found against him at the County Court of Windham County in Dec. last.—

Whereas a Bill of Indictment was found by the Grand Jurors of the said County against the said Seth Smith for conspiring and attempting an Invasion Insurrection and Public Rebellion against this State and attempting the alteration and subversion of our frame of Government by endeavoring the betraying the same into the hands of a Foreign Power.—

Be it Enacted and it is hereby Enacted by the Representatives of the Freemen of the State of Vermont in General Assembly met and by the Authority of the same, That the said Seth Smith is hereby ~~and~~ fully & freely pardoned for the Crimes mentioned in the said Indictment. Provided always and this Act is on this express condition that the said Seth Smith shall Personally appear at the next County Court to be holden in and for the County of Windham and answer into all matters which may then be objected against him on the part of the Freemen of this State (except the matters charged in the said Indictment) and not depart the said Court without Leave and also that the said Seth Smith shall before or during the setting of said County Court take the Oath of Allegiance to this State before some Justice of within the same.—

State of Vermont In General Assembly Feb. 23d. 1782.
The aforesaid Act was read and passed the House.—
Attest. Rob Hopkins. Clerk.—

In Council 26 Feb. 1782.
The Council propose an addition. Viz. That said Smith take the Oath of Allegiance to this State.—
Attest. Jos. Fay. Sec'y.—

In General Assembly Feb 26th 1782
The above addition and amendment of Council was read and concurred with.—
Attest. Rob Hopkins Clerk.—

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State of Vermont } By the Attorney General within and for the
County of Windham upon his oath presents that after the first
day of September 1779 to wit on the 20th day of August last past
at Halifax in the said County of Windham Thomas Barker
of said Halifax (not being a Continental officer) did accept and
hold a Military office not derived from the Authority of this
State to wit the office of Captain in the Militia in the said
Town of Halifax under the Authority of the people of the State
of New-York contrary to the form of the Statute in such
case made and provided and against the peace and dignity
of the Freemen of the State of Vermont.

Filed in Court Sept. 18th day in the year of our Lord 1782.

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Colo Lezer Pattison Sworn

Agreed to the above with this addition.

Chamberlain said before the Sheriff, had taken Role of his Body after he had levied he is not going to take him my word for it.

Benjamin Butterfield

In July last I heard Shaddock say ah Esq: Youngs they were going to New-York and should have assistance and would drive the matter warmly. When Ole Esq. Phelps Qualified two Justices. I think the beginning of July old Esq Phelps said after they should have assistance from New York. I have had some conversation with Timothy Phelps lately and heard him say he would not Warrants under New York at the risk of his life.

Ephraim Nichols

Some time last May when the Sheriff came to Guilford to collect Militia Fines by Select Men Warrants I. was present at Stacts in Guilford and Shaddock was there and Shaddock said he recommended to the people to keep on against Vermont or to that effect and further said he both in public & private had done and would do all in his power to support it for twas a Just cause and he understood the cause was to oppose Vermont. After that they went to Mr Biggadons where they talked of Setting Ril Evans and one Mr. White and after much S. P. Evans and White was a mind and aske to have 20 days before they settled the Fine that they might send to N. York for they said they should have returns in 20 days. I have often seen persons thus going and coming when they said they had been to the Association. Capt. Peck says all you that belong to Fishes company embody to

I have seen Church several times he has always been and when they have had an association in June I heard Church say the Gov: of New York had engaged them an armed force and without doubt they should have it.

231 = 4 - 6 - 8

State of Vermont }

The Attorney General within and for the County of Windham upon his oath presents that after the first day of Sept. 1779 to wit on the 20 day of August last past at Guilford in said County of Windham Simeon Farrel of Guilford aforesaid not being a Continental officer did accept and hold a Military office not derived from the Authority of this State to wit the Office of Ensign in Militia in the said Town of Guilford under the Authority of the people of the State of New-York contrary to the form of the State an such case made and provided and against the Peace and dignity of the Freemen of the State of Vermont ~

Filed in Court Sept. 18th Anno Domini 1782 ~

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A list of that Corrupt Court that Banished the Officers of the sovereign State of New York — In September 1782 and that took all their Estates from them to wit Moses Robeson of Bennington was there a Cursed Chief Judge and one Gosset was one of his side Judges Doctor Day was the other. John Fowler was there Clerk Ira Allen was there Commander in the Military Line George Foot was there Forcaler, John Whan Hunt was there Sheriff Stephen P. Bradley was their Lawyer. Paul Spooner appeared in names when they banished me with a numbers of others that I did not know. Samuel Fletcher their Col Ethkermer Day was another of their selfconceited Sheriffs — Now know ye that it is owing to this Cursed ungodly crew when two men was killed on the confines of Guilford and there has not been any Court of inquiry called to inquire into the cause of that Horrid Murder that was perpetrated, site against the repeated command of the supreme Council of the United States, and there has not been any atonement made for Blood that was wantonly — now know ye — that I Timothy Phelps, was the High Sheriff of the County of Cumberland in the State of New York when that murder was perpetrated and that under the oath of Almighty God I day this instrument of writing before the Grand Jury that is to set at New Fane this instant June next — And that I Timothy Phelps high Sheriff of the County of Cumberland when them two men was killed to wit — Fisk — and Jacob Spicer — I demand by the powers that I was invested with that you bring those Murderers before a Court of inquiry —

Gentlemen this is from your most Humble Servant

T. Phelps

Marlborough May 28th 1782.

Gentlemen of the Grand Jury I sent this writing up to New Fane last June by Capt Simeon Adams and he told me there was no Grand Jury there last Court — Now I Timothy Phelps send this writing to the Grand Juries of inquest of this County to set at New Fane next August for them to indite all those I have named in this instrument for Murder and Leading war against the United States. Sirs fail not at your Peril. From under my hand this 23 day of May 1782.

T. Phelps

Gentlemen of the Grand Jury the Government of New York to me to keep the Peace here in Cumberland County in the State of New-York, the peace that been broken they have killed two men there has not been no atonement made as yet. Now know ye that I Timothy Phelps demand of you to apprehend those men that are named in the within instrument for Murder and leveling war against the United States forthwith without delay that they may have a trial at this August Court instant here of fail not at your Peril. Given under my Hand this 25th. day of July at my Dwelling House in Marlborough 1782.

T. Phelps

N. B. All those men that are named in the within instrument I do in the name of the powers ~~in~~ I was invested ~~with~~ accuse of Murder and leveling war against the United States which I can prove by hundreds of good Citizens as the Grand Jurors are, and furthermore if you do not look into that Tragady by the powers I was invested with, I say may that Blood that was wantonly shed on the confines of Guilford, Rebave, to you and each of you forever and your Childrens Children forever

I am Gentlemen your sincere well wisher

T. Phelps.

Maj Edwards

When the Commissioners came from Fr[illegible] April last Church received his Commission afterwards he delivered Commissions to other Men[illegible] Col[illegible] Commission field officers. Commission came before the setting of the Assembly. Mr. Read and the Commissioners since there have been sperate Invers to Guilford where they adjourned to Meals House and tarried all night. There was Col Phelps who dis parted where L. C. Church was present when the Law was read in May at Biggadows in Guilford I have seen Shaddock and Phelps several times to their association Evans received his Commission from Phelps to wit C. & E. P. have been seen to their association. I have heard Evans say he was ready to try it in the association should have assistance from New-York, and heard say it would be desirable times for those in favor of Gov. should they come from over the mountain. I heard Evans forbid the Constable to sell the Land under Vermont at his Peril in Term notified use Words Evans his words were such as encouraged an Idea that the expected force from New-York. She put a vote to a number to oppose Vermont to Blood, first with arms, others voted in August last I heard.

Maj Boyden.

When the Law was taken by a Warrant Biggadow, Church and Evans was present and assisted in the Law and Evans forbid the Sheriff coming there in May last past and damned the Authority last night Church said he expected to have the Guards in their Steal before 10 o'clock tomorrow. Phelps yesterday ordered the Guards and Sheriff to dispose as Sheriff of Cumberland County called them a riot or Mob. Dennick agreed to the last.

Lieut Dennick

Church and Evans, and Phelps have often told me and Shaddock paid interest and the Guards they would have in soon under Confinement and what they expected a force from New-York.

Adj Weathers I heard Church say speaking to me, say you have used us well and soon to have you confined and will treat you likewise. Last night Church said to morrow morning by 9 or 10 o'clock you shall be here in our Steal and we will be willing

about he said there would be men enough to suppress this Mob he said he had a right as Sheriff of Cumberland New-York to command the Posse &c

Richard Prouty — Church is a Neighbor to me I have often heard him say (very lately) that he meant to oppose the Authority of Vermont all in his power I was present at an Association Church and Old Phelps present. Was to nominate and point out men to take Commissions under New-York. Timothy Church was a Committee of the Association. He has told (in Months past) me he should have assistance from N. York and further told they the aforesaid. Also had sent to N. York. I understood that Hinchliffe was sent into N. York for assistance by the Committee of that Association of which Church was one & understood Hinchliffe was another. not more than 6 weeks past Old Phelps was Committee from Marlborough. Letters was read. which swore was a true Copy on Church told me he expected to have assistance. by and by since Hinchliffe returned.

Samuel Nichols

Old Esq Phelps last Spring was at meeting when I was present at P. Meeting, Letters was read by Esqr Phelps from New York purporting according to the best of my Knowledge to send assistance. From that time Mr Evans was in nomination as an officer under New-York and I was put to vote in the meeting whether they would disannul all the Authority of Vermont. Evans said I would not do to have the vote stand so and said if he would put it to vote and accordingly put this Vote — All you that will oppose the State of Vermont even to Blood Signify it. afterward he sent them out doors & formed them into a ring and put the vote again in the ring all that would oppose even to Blood. Evans said not long ago I have seen not long since several of them going to Meeting I supposed private Associations —

Reuben Tasbin — Last week Timothy Phelps went to take a Constable of Marlborough by a warrant from York Authority Esq Prouty he could not take the Constable for reason of the assistance he had. he got a warrant and took me and carried me to this house when he went to Brattleborough for assistance in great speed when I was —

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An Act for the purpose of Raising a certain number of Troops therein Specified as a Guard to the upper Coos and in the vicinity of the Enemy —

Whereas application has been made to the Legislature of this State by Sundry Inhabitants in the upper Coos for a Guard to protect them as they are at a distance from any Garrison — Therefore be it Enacted and it is hereby Enacted by the Representatives of the Freemen of the State of Vermont in Gen.l Assembly met, and by the Authority of the same That the People Petitioning in the upper Coos be and they are hereby empowered to raise twenty one Men — Including one Lieut, one Serg.t and one Corp.al to be Stationed as a Guard and for necessary scouting for the protection of the Inhabitants of the aforesaid upper Coos —

And be it further Enacted That said officers and Soldiers so raised shall be paid at the same ~~time~~ rate as the other Troops in this State are paid and to be paid out of the public Treasury of the State — Their pay to commence at the time of their entering into actual Service and to continue to the first day of December next — Also be it further Enacted That such Towns as shall be raise the Troops aforesaid shall furnish them with Provision at their own expence and said Troops are to be Mustered by the Muster Master in that department and return regularly made to the Commanding officer in the State —

State of Vermont — In General Assembly Feb. 27th 1782.

The within Act was read and passed the House —

Attest Ras. Hopkins. Clerk.

Feb 27th 1782 —

Resolved That Capt Ward Bayley be and hereby is appointed a Lieutenant to command the Troops to be raised as within —

Attest — Ras. Hopkins Clerk.

In Council Feb 28th 1782 —

Read and approved —

Joseph Fay — Secretary —

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An Act for Pardoning John Arms

Whereas John Arms of Brattleborough in Windham County being when about 15 years of age did in the year 1775 join the Enemies of this and other American States. And the said John having since voluntarily returned and by his humble Petition prayed a pardon for his said offence — — — — —

Therefore be it Enacted by the State of Vermont and by the authority of the same that the said John Arms shall be and hereby is fully & freely pardoned for the said offence and restored to all the privileges of other Subjects of this State upon taking the Oath of Allegiance to this State before any Justice of the Peace within the same —

State of Vermont In Gen.l Assembly June 15th. 1782.

The above Act was read and passed the House —

Attest Rob.t Hopkins Clerk

In Council read and concurred the same day —

Tho.s Tolman D. Sec.y

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An Act to compel the more punctual attendance of the Members of the General Assembly

Be it Enacted &c

That whenever any Members of the General Assembly (whose Credentials shall be produced to and approved by them) shall neglect to attend at the time and place fixed for the opening of any stated ~~or~~ adjourned or special Session of the Legislature and shall not before the end of such Session give a sufficient excuse to the satisfaction of the House he shall for every day after the first day of the Session from which he shall be so absent without a satisfactory excuse forfeit the sum of £10.10.0 to be sued for and recovered in any Court proper to try the same by the Secretary of the State for the time being in his own name by virtue of an order of the General Assembly to be made at the close of every Session thereof in which suit the Roll kept by the Clerk of the Assembly shall be conclusive evidence of such persons being members and of his absence from the House — And that the said Secretary shall be accountable for and shall pay into the Treasury of this State the monies so by him recovered

And be it further Enacted by the authority aforesaid that if the said Secretary shall neglect to ~~commence~~ commence such prosecutions as aforesaid for the space of Six Weeks after such order made by the Assembly for that purpose — he shall for every such neglect forfeit to the Treasury of this State the sum of £30 to be sued for and recovered by the Treasurer of this State for the time being by virtue of an order from the General Assembly.

Read & passed in Genl Assembly Dec 25th 1782

The above Act was read and passed the House.—

Attest. Rob Hopkins. Clerk.

Read & passed 2nd Jan 1783.

This Act was read and approved with the addition of the Word (& Special)—

Attest Jos. Fry. Secr.

Date above concurred with—

Attest Rob Hopkins Clerk

231 Sept. 1782

Be it Enacted and it is hereby enacted by the Representatives of the Freemen of the State of ~~New~~ Vermont in General Assembly met and by Authority of the same

That his Excellency the Capt. General of this State be and hereby is impowered to order and direct any Officer or Officers in this State to raise any number of men in the same and to march them to any part thereof to assist the Sheriffs in their respective Counties in the due execution of their office and that his Excellency be empowered to Appoint and Commissionate any person or persons with full power for all intents and purposes aforesaid, and that his Excellency call on the Commissary General to furnish the men when so raised with Provision as need may require and for that purpose that he grant a Warrant to said Commissary to levy by distress and take of Provision wherever it may be found, a Sufficiency to supply said Troops while in actual service for the purpose aforesaid

State of Vermont

In Gen. Assembly June 21st. 1782.

The aforesaid Act was read and passed the House

Attest Root Hopkins, Clerk.

In Council June 21st. 1782.

Read and concurred by order of Gov. and Council

Tho. Tolman. D. Sheriff.

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To the Honorable General Assembly of Vermont.
Now Sitting at Newbury.

The petition of Charles Tilden of Dresden in the County of Hanover.

That in the Alarm when Ryall Town was destroyed in Oct. 1780 he served as a Sergeant in the company of Militia under command of Capt. Samuel McClome in pursuit of the Enemy and being detached with a reconnoitering party fell in with and was fired upon by the Enemy's Guard by which he was wounded by receiving a passed ball through his Arm by which he was rendered unable to do any kind of business for two Months. That he was the only person wounded in the party who pursued the Enemy on that occasion, and that he had been at the expence as exhibited in the annexed Bills in recovering from his wounds. That Persons wounded in the service of their Country have ever been considered as command till their recovery.

Your petitioner prays for payment of the time and expences of recovery from his said wound and of the Treasury of said State as otherwise grant such relief as to your Honours in your wisdom may appear best. And as in duty bound will ever pray.

Dresden. January 30th. A.D. 1782.

Charles Tilden Sergeant.

This certifies that Charles Tilden the above mentioned petitioner was in service as a Sergeant in my company in pursuit of the Enemy in their return from Rhode Island in October A.D. 1780 and was wounded in manner as set forth in the foregoing petition.

Capt. Samuel McClure

Dresden Jan. 30th 1782.

State of Vermont to Charles Tilden — — — Dr —

1780 —

To my service as a Sergeant two months extraordinary in consequence of a Wound received in the Rhode Island Alarm Oct — 1780 — — — — — — — £ 4 16 0

To Rations for said term — — — — — — 3 0 0

To one Gall of Rum for Dressing the wounded Arm 0 9 0

The Surgeons Bill annexed — — — — — — 1 19 6

Errors excepted 9 4 6

Charles Tilden Sergeant

State of Vermont, In Genl Assembly Feb 12th 1782.

The above petition was read and referred to a Committee of Three —

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Bennington Dec. 29. 1784.

To the Honorable General Assembly now sitting in this place.

Your Committee appointed to take into consideration the distressed circumstances of those People in the Western and eastern Lake unions beg leave to Report.

That it is the opinion of your Committee that some proper persons be immediately sent to those officers who are now arresting and making Prisoners of every person they can find who have heretofore been active in joining this State Requesting & entreating them to suspend the execution of Law until the five mentioned persons can have time to petition the Assembly of New York to be ~~made~~ restored and shewing their willingness to return to their allegiance to said State provided the Legislature would pass an Act of Grace and also that a petition be presented by our Agents to the Congress of the United States praying them to interpose by recommending to the State of New Hampshire and New York to pass Acts of oblivion in their behalf

Joseph. Bowker

for the Committee.